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EXAMINER

TECKLU, ISAAC TUKU

ART UNIT

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2192

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,686	<b>Applicant(s)</b> HIRAMATSU ET AL.	
	<b>Examiner</b> ISAAC T. TECKLU	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13,15-18 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,15-18 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/29/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-4, 6-13, 15-18 and 21-26 are pending for examination in this application.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 6-13, 15-18 and 21-26 have been considered but are moot in view of the new ground(s) of rejection (see Ishiguro, new art made of record).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-13, 15-18 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10 and 24-26 recite the limitation "the latest version" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Dependent claims 2-4, 6-9, 11-13, 15-18 and 21-23 are rejected for not remedying to the indefinite teaching in the base claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 10 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui (US Pat. No. 5,390,331) in view of Ishiguro et al. (US 5,502,765).

As per claims 1 and 10 (Currently Amended), Yui teaches the invention as claimed including an information terminal device (fig. 2; col. 3, lines 32-33) comprising a first internal memory for storing identification information that is read from a storage medium and identifies the a storage medium, (20, fig. 2; col. 3, lines 36-37; col. 2, lines 9-11; e.g. ID code memory), (4, 32, fig. 2; col. 2, lines 35-36; col. 4, lines 25-26; e.g. ID code stored in ID card memory in IC card is read out), the storage medium being detachably installed in the information terminal device (col. 4, lines 21-22; e.g. FIG. 2, element 4, memory card and col.5:25-30 “memory device is detachably installed” and e.g. whether IC card is connected to the apparatus body).

a second internal memory for storing predetermined information different from the identification information (col.3:46-49 and e.g. RAM is used to process an application program data on the IC card and fig. 2, 18 and related text); and

Yui substantially disclosed the above invention as recited above. However, Yui was silent regarding “storage information controlling means which replaces the predetermined information stored in the second internal memory with predetermined information stored in the

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storage medium if the identification information read from the storage medium corresponds to the identification information that is stored in the first internal memory”. Nevertheless as evidenced by the teachings of Ishiguro, “storage information controlling means (e.g. FIG. 2, 11) which replaces the predetermined information stored in the second internal memory (see e.g. FIG. 4A-4C) with predetermined information stored in the storage medium (see e.g. FIG. 14, START SERVICE and col.15:1-15 “... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...”)) if the identification information read from the storage medium corresponds to the identification information that is stored in the first internal memory” (col.3:5-10 “card identification, and see e.g. FIG. 14, START SERVICE and col.15:1-15 “... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...”, col.15:55-65 “...replaces the received update information...”)) has been vividly taught. Thus it is respectfully submitted that it would have been obvious to one skilled in the art at the time the invention was made to replace the predetermined information with predetermined information stored in the storage medium if the identification information read from storage corresponds to the identification information stored in the first internal memory for upgrading existing firmware on third party hardware and verifying the identification information for validity in order to provide service to authorized device as suggested by Ishiguro (col.3:5-15 and col.4:1-15).

Furthermore, Ishiguro discloses wherein the predetermined information of the latest version is supplied from a predetermined terminal and stored on the storage medium if a request to purchase the predetermined information of the latest version is confirmed (see col.1:5-20 “...

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IC card... there is written the amount... purchase... the service initial value is transmitted to...”). Therefore it would have been obvious to one skilled in the art at the time the invention was made to supply the predetermined information once the request to purchase the predetermined information is confirmed in order to supply the predetermined information to only a user who has confirmed the purchase which thereby prevents unauthorized usage (see at least col.16:1-10).

As per claim 21, Yui teaches an information terminal device comprising:

program reading means for reading the identification information storing program from the storage medium as claimed in claim 19 which is detachably installed in the information terminal device (21, 33; fig. 3);

predetermined information storing means for storing predetermined information read by the program reading means in an internal memory according to the predetermined information storing program (col. 2, lines 6-7; e.g. a memory device means for storing an application program); and

program deleting means for deleting the predetermined information storing program on the storage medium after the predetermined information has been stored in the internal memory by the predetermined information storing means (col. 2, lines 26-27; e.g. means for clearing memory contents of said memory means).

As per claim 22, Yui teaches wherein the program deleting means also deletes the identification information storing program read from the storage medium by the program reading means (col. 2, lines 26-27; e.g. means for clearing memory contents of said memory means).

As per claim 23, Yui teaches wherein the program reading means reads the identification information storing program before predetermined information different from the identification information is read from the storage medium (A2, fig. 3; col. 4, lines 25-26; e.g. ID code stored in the ID code memory in the IC card is read out).

As per claim 24 (Currently Amended), Yui teaches the invention substantially as claimed including a predetermined information changing program which is a computer readable program executed by a processor to enable an information terminal device in which a storage medium is detachably installed to execute operations (Abstract) comprising:

a first operation of determining whether identification information for identifying the storage medium, which has already been stored in a first internal memory of the information terminal device, corresponds to the identification information of the storage medium now installed in the information terminal device (col. 3, lines 62-65; e.g. comparator unit compare the ID code stored in the ID code memory with the ID code read out from the IC card). However, Yui does not explicitly teach a second operation of replacing predetermined information, which is different from the identification information, stored in the second internal memory with predetermined information on the storage medium now installed in the information terminal device if both identification information is determined to corresponds each other in the first

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operation. Nevertheless as evidenced by the teachings of Ishiguro, “storage information controlling means (e.g. FIG. 2, 11) which replaces the predetermined information stored in the second internal memory (see e.g. FIG. 4A-4C) with predetermined information stored in the storage medium (see e.g. FIG. 14, START SERVICE and col.15:1-15 “... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...” if the identification information read from the storage medium corresponds to the identification information that is stored in the first internal memory” (col.3:5-10 “card identification, and see e.g. FIG. 14, START SERVICE and col.15:1-15 “... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...”, col.15:55-65 “...replaces the received update information...”)) has been vividly taught. Thus it is respectfully submitted that it would have been obvious to one skilled in the art at the time the invention was made to replace the predetermined information with predetermined information stored in the storage medium if the identification information read from storage corresponds to the identification information stored in the first internal memory for upgrading existing firmware on third party hardware and verifying the identification information for validity in order to provide service to authorized device as suggested by Ishiguro (col.3:5-15 and col.4:1-15).

Furthermore, Ishiguro discloses a third operation of supplying the predetermined information from a predetermined terminal and storing the predetermined information on the storage medium if a request to purchase the predetermined information of the latest version is confirmed (see col.1:5-20 “... IC card... there is written the amount... purchase... the service initial value is transmitted to...”). Therefore it would have been obvious to one skilled in the art



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at the time the invention was made to supply the predetermined information once the request to purchase the predetermined information is confirmed in order to supply the predetermined information to only a user who has confirmed the purchase which thereby prevents unauthorized usage (see at least col.16:1-10).

As per claim 25 (Currently Amended), Yui teaches the invention substantially as claimed including a terminal operating program which is a computer readable program executed by a processor to enable an information terminal device in which a storage medium is detachably installed to execute operations comprising:

a first operation of determining whether identification information for identifying the storage medium is stored in a first internal memory (col. 3, lines 62-65; e.g. comparator (col. 3, lines 62-65; e.g. comparator unit compare the ID code stored in the ID code memory with the ID code read out from the IC card) ; and a third operation of causing the information terminal device to operate according to the predetermined information stored in the second internal memory by way of the second operation (col. 2, lines 12-15; e.g. means for executing the application program stored in the memory device). However, Yui does not explicitly teach a second operation of storing predetermined information on the storage medium, in a second internal memory of the information terminal device under a predetermined condition when it is determined in the first operation that the identification information is not stored in the first internal memory. Nevertheless as evidenced by the teachings of Ishiguro, “storage information controlling means (e.g. FIG. 2, 11) which replaces the predetermined information stored in the second internal memory (see e.g. FIG. 4A-4C) with predetermined information stored in the

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storage medium (see e.g. FIG. 14, START SERVICE and col.15:1-15 "... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...") if the identification information read from the storage medium corresponds to the identification information that is stored in the first internal memory" (col.3:5-10 "card identification, and see e.g. FIG. 14, START SERVICE and col.15:1-15 "... updating the remaining value information when the identification number and the usage information of the currently used IC card 6 match those already registered...", col.15:55-65 "...replaces the received update information...") has been vividly taught. Thus it is respectfully submitted that it would have been obvious to one skilled in the art at the time the invention was made to replace the predetermined information with predetermined information stored in the storage medium if the identification information read from storage corresponds to the identification information stored in the first internal memory for upgrading existing firmware on third party hardware and verifying the identification information for validity in order to provide service to authorized device as suggested by Ishiguro (col.3:5-15 and col.4:1-15).

Furthermore, Ishiguro discloses a fourth operation of supplying the predetermined information from a predetermined terminal and storing the predetermined information on the storage medium if a request to purchase the predetermined information of the latest version is confirmed (see col.1:5-20 "... IC card... there is written the amount... purchase... the service initial value is transmitted to..."). Therefore it would have been obvious to one skilled in the art at the time the invention was made to supply the predetermined information once the request to purchase the predetermined information is confirmed in order to supply the predetermined

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information to only a user who has confirmed the purchase which thereby prevents unauthorized usage (see at least col.16:1-10).

As per claim 26 (Currently Amended), this is the computer readable medium version of the claimed information terminal device discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

6. Claims 2-4, 6-9 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui (US Pat. No. 5,390,331) in view of Ishiguro et al. (US PG-Pub. No. 2002/0188934 A1) further in view of Nakajima (US PG-Pub. No. 2003/0100374).

As per claim 2, Yui and Ishiguro teach the invention substantially as claimed including storing operation control means for permitting a storing operation of storing the identification information in the first internal memory if the identification information is not stored in the first internal memory (col. 4, lines 6-8; col. 3, lines 59-61; e.g. ID code memory stores the ID code given by IC card under predetermined condition). Yui and Ishiguro do not teach forbidding or limiting the storing operation after the identification information has been stored in the first internal memory. Nakajima teaches data contained in non-contact integrated memory tag will be erased after it comes in contact with the device (paragraphs [0033]; [0018] lines 5-11), thus teaches forbidding or limiting the storing operation. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Yui,

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Ishiguro and Nakajima so that the use of the software application can be limited to a particular device and illegal distribution of the software can be prevented.

As per claim 3, Nakajima teaches wherein the storing operation control means permits the storing operation of storing the identification information in the first internal memory if the identification information is not stored in the first internal memory, before predetermined information different from the identification information is read from the storage medium (S3, S7, fig. 7; paragraph [0032]; e.g. updating data is added to the data memory).

As per claim 4, Yui teaches wherein the storing operation control means also permits the storing operation of storing the identification information in the first internal memory under a predetermined condition even if the identification information is stored in the first internal memory (col. 3, lines 59-61).

As per claim 6, Yui teaches information executing means which executes an operation according to the predetermined information stored in the second internal memory (14, fig. 2; col. 2, lines 13-14; e.g. means for executing the application program stored in the memory device). However, Yui and Ishiguro do not teach wherein the storage information controlling means causes the second internal memory to store the predetermined information on the storage medium now installed in the information terminal device under a predetermined condition when the identification information is not stored in the first internal memory. Nakajima teaches the storage information controlling means causes the second internal memory to store the

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predetermined information on the storage medium now installed in the information terminal device under a predetermined condition when the identification information is not stored in the first internal memory (S3, S7; fig. 7; paragraph [0032]).

As per claim 7, Nakajima teach uploading means which supplies information about modification of the predetermined information in the second internal memory to a predetermined center (paragraph [0018] lines 9-11; paragraph [0005]).

As per claim 8, Nakajima teaches installation urging means which executes an operation to urges the installation of the storage medium when the installed storage medium, from which the predetermined information is read, is detached from the information terminal device (paragraph [0044]).

As per claim 9, Yui and Nakajima do not explicitly teach the installation urging means stops at least a part of operation. However, it is well known in the art that when an installation device is detaches from information processing unit the installation operation will stop. Therefore is obvious to one of ordinary skill in the art to use this mechanism so that the proper software will be installed on the device.

As per claims 11-13 and 15-18, they are the method claims of the claims 2-4, 6-9. Therefore, they are rejected for the same reason as per claims 2-4, 6-9 above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
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